



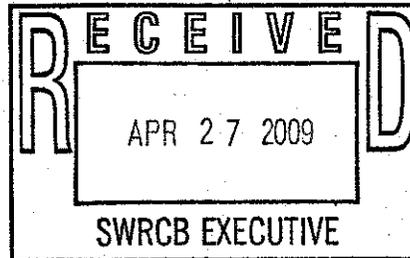
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April 27, 2009

Jeanine Townsend, Clerk to the Board
 State Water Resources Control Board
 1001 I Street, 24th Floor
 Sacramento, CA 95814



Dear Ms. Townsend:

Subject: Comment Letter – Landscape Irrigation General Permit

The Alameda County Water District (ACWD) appreciates the opportunity to provide comments on the Draft General Waste Discharge Requirements for Landscape Irrigation Uses of Municipal Recycled Water (General Permit) and the Draft Mitigated Negative Declaration.

ACWD supplies water to a population of over 330,000 in the cities of Fremont, Newark, and Union City. ACWD was formed in 1914 by an act of the California Legislature for the purpose of protecting the water in the Niles Cone Groundwater Basin and conserving water of the Alameda Creek Watershed. Local runoff along with imported water is percolated into the groundwater basin through recharge at Alameda Creek and adjacent recharge ponds. This water is recovered through groundwater production wells and provided as potable supply to ACWD's customers. A key objective for ACWD is to ensure the protection of the groundwater basin that constitutes this important source of supply.

ACWD conducts groundwater management and protection activities under statutory authority granted to ACWD under the County Water District Law (commencing with Section 30000 of the Water Code); the Replenishment Assessment Act of the Alameda County Water District (Section 4, Chapter 1942 of the Statutes of 1961, as amended in 1970 and 1973), which grants additional authorities to ACWD to prevent pollution, contamination, and diminution in quality of the groundwater supply. These activities are described in ACWD's Groundwater Management Plan, adopted in 1989 and amended in 2001, and include groundwater recharge, sea water intrusion management, aquifer reclamation, basin-wide groundwater monitoring, watershed protection and monitoring, wellhead protection, enforcement and administration of local city ordinances that regulate drilling of wells and borings (Fremont No. 950, as amended; Newark No. 136; and Union City No. 109-73), and implementation of a groundwater protection program. Under the latter, local regulatory oversight of investigation and cleanup of Leaking Underground Fuel Tank (LUFT) and Spills, Leaks, Investigations, and Cleanup (SLIC) sites is conducted by ACWD through cooperative agreements with the Regional Water Quality Control Board and the cities of Fremont, Newark, and Union City. ACWD also entered in an agreement with the City of Hayward to work cooperatively on sites in the portion of Hayward within ACWD's service area.

ACWD has reviewed the documents and would appreciate the Board's consideration of the following comments:

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Draft General Waste Discharge Requirements for Landscape Irrigation Uses of Municipal Recycled Water (General Permit)

1. Findings, Paragraph 8 (page 3) - The application package should include a letter from any groundwater basin management agencies that may be impacted by the project certifying that each proposed water reuse project is consistent with the local salt/nutrient management plan, groundwater basin management policy, and wellhead protection program.
2. Findings, following Paragraph 8 (page 3) - Add another sentence that recognizes that Regional or State Board staff will need a period of ample time, prior to the start of the 30-day review period, to review application materials from a candidate Distributor or Producer. As part of this process, water board staff will need to consult with CDPH staff, and consult with local groundwater basin management agencies to determine consistency of the water reuse areas with the basin-specific salt/nutrient management plans, and to become apprised of other relevant, basin-specific water quality concerns.
3. Findings, Paragraph 10 (page 4) - Add the following at the end of the paragraph: *With reference to Paragraph 14, specific loads or numerical limits in groundwater basins (or sub-areas therein) may be identified in the basin-specific salt/nutrient management plan.*
4. Section B Specifications, Paragraph 9 (page 13) - The horizontal and vertical pipeline separation requirements are generally consistent with Title 22, Section 64572. However, section 64572(e) requires the vertical separations only when the pipelines are less than 10-feet apart. Additionally, 64572(h) allows for exemptions for the separation distances in specific circumstances. Also, specific requirements are provided in Title 22 for pipeline crossings and joint clearances. This provision should be removed from this Permit, and the Permit should reference Title 22, Section 64572 which already adequately addresses tertiary recycled pipeline installations relative to potable water pipelines.
5. Section C Provisions, Paragraph 1.b (page 15) - "point of production" and "point of use" should be defined in Attachment A. The definitions should clarify that a Distributor is not expected to be responsible for operation and management of a User's equipment within the User's private property. Thus, Point of Use should be defined as the property line that demarks the User's parcel from an easement or right-of-way containing the Distributor's conveyance infrastructure. Also, point of production should be defined as the property boundary separating the Producer's parcel from an easement or public right-of-way.
6. Section C Provisions, Paragraph 1.c (page 15) - In the first sentence, after "responsible" replace the phrase "for the application and use of recycled water in the respective Use Areas and for associated operations and maintenance in accordance with all applicable Title 22 requirements and the General Permit" with *for following, in good faith, the provisions of the O&M Plan and requirements for inspection, monitoring, and reporting, to ensure that recycled water in the respective Use Areas comply with all applicable Title 22 requirements and this General Permit, including the Recycled Water Policy.*
7. Section C Provisions, Paragraph 7 (page 17) - There appears to be a typographic error in the first sentence. "The Distributor shall conduct ensure that periodic inspections..." should be "The Distributor shall ensure that periodic inspections..." (delete the word "conduct"). The same error also appears in the second sentence.

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8. Section C, Provisions, Paragraph 8 (page 17), second sentence - "...including the recycled water supervisor..." should read "...including the recycled water use supervisor..." (add the word "use").
9. Section C, Provisions, Paragraph 9 (page 17) - This paragraph should be modified to recognize that responsibility for proper O&M of equipment used by the end User on private property must be assigned to the end User. Distributors and Producers can only be responsible for good faith monitoring and reporting, and discontinuing recycled water supplies in the event of discovery of negligence or improper use by the end User.

Monitoring and Reporting Program

1. "Distributor Reporting" (page 2): The 30-day period (March 15 to April 15) provided to compile, summarize, and present information relative to User activities and the monitoring program is insufficient. The period should be extended to allow adequate time to obtain information from tardy Users, summarize the data, and prepare the required report. In addition, for Distributors with numerous recycled water Users, reporting deadlines should be flexible (e.g., spread throughout the year as opposed to a fixed April 15 deadline) to reduce staffing and other resource impacts.
2. Monitoring and Reporting Program, "Distributor Reporting", item 6 (page 3): This item implies that the Distributors conduct the periodic inspections of the recycled water use areas. This seems to be inconsistent with the General Permit, Section 7 Provisions, paragraph 7 (page 17), which indicates that Users may conduct the inspections, and that Distributors need only ensure they are conducted.

Please contact me at (510) 668-4401 if you have any questions or need additional information. We appreciate the Board's consideration of these comments.

Sincerely,



Robert Shaver, P.E.
Engineering Manager

rts/tf

By e-mail and FAX

cc: Paul Piraino
Eric Cartwright
Walt Wadlow
Doug Chun
Steve Dennis
Ed Stevenson
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Mikel Halliwell